

that you wish. The only thing I would suggest to you, because it is a very small part of the bill, if you would look at the bill, 612, on page 3, the amendment is quite self-explanatory and it is only one paragraph and it does two things. It says that the court may place custody in joint situations and the court may do that under two circumstances, when both parents agree. Now that wasn't even in the law before. It can do it...the court may place joint custody when both parents agree. That is the one first criteria. The second criteria is that the judge has to have a specific hearing in open court to find specifically that joint custody will be in the best interests of the child. That was part of the old law. The open hearing, the specific finding that it would be in the best interests of the child is new, and the having both parents agree is new. Now if you don't think that those two criteria are indeed important towards joint custody, then I would say vote against it. If you think they are important criteria, then you should accept the amendment. Why do we need the amendment? Why do we need this bill? Remember the discussion we had some time ago about the Supreme Court decision, Trimble v. Trimble, that said an opinion from the Supreme Court came down and said that joint custody is viable in the rarest of occasions, but then went on to say, but those occasions that might occur are impossible to occur. In my estimation it was contradictory type of language. It was nonsensical and the effect that it had, while it did not change law legally, it changed law effectively. If you prefer the Supreme Court by an opinion that wasn't called for in the case to change our laws effectively, so be it, then take the amendment out. If you prefer that we as a body of the Legislature set the laws and let the courts determine their interpretation and administration, then you will vote for the amendment. I will be happy to engage in conversation with anybody that wishes, but at this point I would suggest you do not pull it back from Final Reading and read the bill and pass it.

SPEAKER NICHOL: Senator Chambers, would you like to close, please?

SENATOR CHAMBERS: Yes. Mr. Chairman, there is nothing in Senator Hannibal's amendment that the court isn't able to consider in dealing with delicate matters of the kind that his amendment deals with. Remember, the ones who came to him with the amendment cannot benefit from it. It shows the